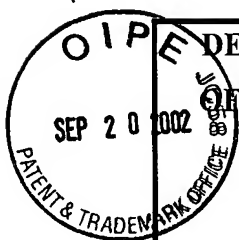


#3

**DECLARATION AND POWER
OF ATTORNEY FOR UTILITY
OR DESIGN****PATENT APPLICATION**

☐ Declaration ☒ Declaration
Submitted with Submitted after Initial
Initial Filing Filing (surcharge
37 CFR 1.16(e) required)

Attorney Docket No. AFN-001

First Named Inventor Afeyan

COMPLETE IF KNOWN

Application Serial Number 10/053,353

Filing Date November 9, 2001

Group Art Unit 2161

Examiner Name Not yet assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and Apparatus for Dynamic, Real-Time Market Segmentation

(Title of the Invention)

the specification of which

☐ is attached hereto
OR☒ was filed on
(MM/DD/YYYY)

November 9, 2001

as United States Application Serial Number or PCT International

Application Number 10/053,353 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information known by me which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Serial Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.
60/247,271	November 10, 2000	

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/053,353

Atty. Docket No. AFN-001

Page 2 of 5

DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Serial Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar Code
Label Here

Name	Registration Number	Name	Registration Number
Michael J. Bastian	47,411	John D. Lanza	40,060
Steven M. Bauer	31,481	Kurt W. Lockwood	40,704
Mark L. Beloborodov	50,773	Leigh J. Martinson	50,749
John V. Bianco	36,748	Thomas C. Meyers	36,989
Robert S. Blasi	50,389	Joseph B. Milstein	42,897
Michael H. Brodowski	41,640	Ronda P. Moore	44,244
Jennifer A. Camacho	43,526	Jeremy Occek	50,794
Joseph A. Capraro, Jr.	36,471	Jamie H. Rose	45,054
Fangli Chen	P-51,551	David L. Schuler	51,190
Christopher H. Chung	50,351	Christopher W. Stamos	35,370
John J. Cotter	38,116	Diana M. Steel	43,153
Robert V. Donahoe	46,667	Joseph P. Sullivan	45,349
Brian A. Fairchild	48,645	Robert J. Tosti	35,393
John V. Forcier	42,545	Thomas A. Turano	35,722
Steven J. Frank	33,497	Natasha C. Us	44,381
Kia L. Freeman	47,577	Christine C. Vito	39,061
Christopher J. Frerking	42,557	Patrick R.H. Waller	41,418
Brian M. Gaff	44,691	Daniel A. Wilson	45,508
Duncan A. Greenhalgh	38,678	Gerald E. Worth	45,238
Ira V. Heffan	41,059	Yin P. Zhang	44,372
Douglas J. Kline	35,574		
<input type="checkbox"/> Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.			

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

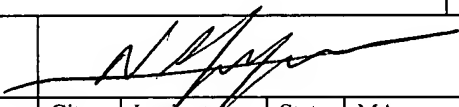
Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/053,353

Atty. Docket No. AFN-001

Page 3 of 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
Noubar B.					Afeyan					
Inventor's Signature							Date			
							8/28/02			
Residence	City	Lexington	State	MA	Country	USA	Citizenship	Canadian		
Mailing Address		1 Sunset Ridge								
Mailing Address (ln. 2)	City	Lexington	State	MA	ZIP	02421	Country	USA		
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.										
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
Kamal M.					Malek					
Inventor's Signature							Date			
Residence	City	Weston	State	MA	Country	USA	Citizenship	U.S.		
Mailing Address		47 Radcliffe Road								
Mailing Address (ln. 2)	City	Weston	State	MA	ZIP	02493	Country	USA		
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor								
Given Name (first and middle [if any])					Family Name or Surname					
Nigel J.					Bufton					
Inventor's Signature							Date			
Residence	City	Oxfordshire	State		Country	England	Citizenship	United Kingdom		
Mailing Address		The Old Forge, 17 High Street, Milton-Under-Wychwood								
Mailing Address (ln. 2)	City	Oxfordshire	State		ZIP	OX7 6LA	Country	England		


Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/053,353

Atty. Docket No. AFN-001

Page 3 of 5

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Given Name (first and middle [if any])					Family Name or Surname				
Noubar B.					Afeyan				
Inventor's Signature							Date		
Residence	City	Lexington	State	MA	Country	USA	Citizenship	Canadian	
Mailing Address		1 Sunset Ridge							
Mailing Address (ln. 2)	City	Lexington	State	MA	ZIP	02421	Country	USA	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.									
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Kamal M.					Malek				
Inventor's Signature							Date		September 9, 2002
Residence	City	Weston	State	MA	Country	USA	Citizenship	U.S.	
Mailing Address		47 Radcliffe Road							
Mailing Address (ln. 2)	City	Weston	State	MA	ZIP	02493	Country	USA	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Nigel J.					Bufton				
Inventor's Signature							Date		
Residence	City	Oxfordshire	State		Country	England	Citizenship	United Kingdom	
Mailing Address		The Old Forge, 17 High Street, Milton-Under-Wychwood							
Mailing Address (ln. 2)	City	Oxfordshire	State		ZIP	OX7 6LA	Country	England	

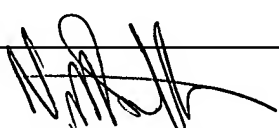
Declaration and Power of Attorney for Utility or Design Patent Application

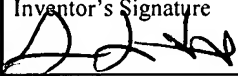
Serial No. 10/053,353

Atty. Docket No. AFN-001

Page 3 of 5

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Given Name (first and middle [if any])					Family Name or Surname				
Noubar B.					Afeyan				
Inventor's Signature							Date		
Residence	City	Lexington	State	MA	Country	USA	Citizenship	Canadian	
Mailing Address		1 Sunset Ridge							
Mailing Address (ln. 2)	City	Lexington	State	MA	ZIP	02421	Country	USA	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.									
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Kamal M.					Malek				
Inventor's Signature							Date		
Residence	City	Weston	State	MA	Country	USA	Citizenship	U.S.	
Mailing Address		47 Radcliffe Road							
Mailing Address (ln. 2)	City	Weston	State	MA	ZIP	02493	Country	USA	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])					Family Name or Surname				
Nigel J.					Bufton				
Inventor's Signature							Date		Sept 5, 2002
Residence	City	Oxfordshire	State		Country	England	Citizenship	United Kingdom	
Mailing Address		The Old Forge, 17 High Street, Milton-Under-Wychwood							
Mailing Address (ln. 2)	City	Oxfordshire	State		ZIP	OX7 6LA	Country	England	

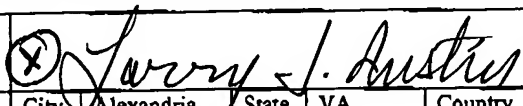
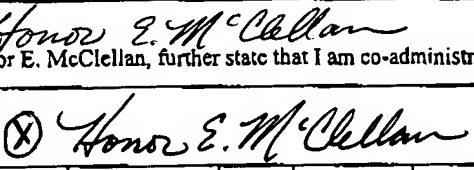
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Sevan G.				Ficici				
Inventor's Signature 					Date 9/3/02			
Residence	City	Cambridge	State	MA	Country	USA	Citizenship	Canadian
Mailing Address	20 Chestnut Street, #401							
Mailing Address (ln. 2)	City	Cambridge	State	MA	ZIP	02139	Country	USA

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/053,353

Atty. Docket No. AFN-001

Page 5 of 5

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])				Family Name or Surname				
Howard A.				Austin				
Executed on Behalf of Deceased Inventor, Howard A. Austin, Pursuant to 37 C.F.R. § 1.42 by Larry J. Austin and Honor E. McClellan, Co-Administrator and Co-Administratrix of the estate of Howard A. Austin								
Given Name (first and middle [if any])				Family Name or Surname				
Larry J.				Austin				
I, Larry J. Austin, further state that I am co-administrator of the estate of Howard A. Austin.								
Legal Representative's Signature						Date		
						9/18/02		
Residence	City	Alexandria	State	VA	Country	USA	Citizenship	U.S.
Mailing Address	1106 Alden Road							
Mailing Address (ln. 2)	City	Alexandria	State	VA	ZIP	22308	Country	USA
Given Name (first and middle [if any])				Family Name or Surname				
Honor E.				McClellan				
I, Honor E. McClellan, further state that I am co-administratrix of the estate of Howard A. Austin.								
Legal Representative's Signature						Date		
						9/18/02		
Residence	City	Waban	State	MA	Country	USA	Citizenship	U.S.
Mailing Address	125 Upland Road							
Mailing Address (ln. 2)	City	Waban	State	MA	ZIP	02468	Country	USA

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STATEMENT REGARDING SMALL ENTITY STATUS

Attorney Docket No. AFN-001

Applicant, Patentee, or Identifier: Afeyan et al.

Application or Patent No.: 10/053,353

Date Filed or Issued: November 9, 2001

Title: Method and Apparatus For Dynamic, Real-Time Market Segmentation

NAME OF SMALL BUSINESS OR NONPROFIT ORGANIZATION: Affinova, Inc.

ADDRESS OF SMALL BUSINESS OR NONPROFIT ORGANIZATION: One Alewife Center, 4th Floor
Cambridge, MA 02140

I hereby state that the above identified small business concern or nonprofit organization qualifies as a small business concern as defined in 37 CFR 1.27 for purposes of paying reduced fees to the United States Patent and Trademark Office. For a small business concern, the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern or nonprofit organization identified above with regard to the invention described in:

- ☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern or nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must execute separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

- ☒ No such person, concern, or organization having any rights in the invention exists.
☐ Each such person, concern, or organization having any rights in the invention is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

NAME OF PERSON SIGNING Robert Frasca
TITLE OF PERSON SIGNING Chief Executive Officer
ADDRESS OF PERSON SIGNING One Alewife Center, 4th Floor
Cambridge, MA 02140

SIGNATURE

DATE

September 20, 2002